

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Toneishia Holder v. James Russell, DMT Services, Inc.

Case Number	49D13-1908-CT-035216
Court	Marion Superior Court, Civil Division 13
Type	CT - Civil Tort
Filed	08/26/2019
Status	08/26/2019 , Pending (active)

Parties to the Case

Defendant Russell, James

Address	PO Box 816 Locust Grove, OK 74352
Attorney	Erin A Clancy <i>#2196249, Lead, Retained</i> KIGHTLINGER & GRAY LLP One Indiana Square - Suite 300 211 North Pennsylvania Street Indianapolis, IN 46204 317-638-4521(W)
Attorney	Nathan Aaron Pagryzinski <i>#3472249, Retained</i> 8470 Allison Pointe Blvd Suite 420 Indianapolis, IN 46250 317-567-2222(W)
Attorney	Jordan Mark Slusher <i>#3420449, Retained</i> 211 N Pennsylvania St Suite 300 Indianapolis, IN 46204 317-638-4521(W)

Defendant DMT Services, Inc.

Address	995 South Linden St Siloam Springs, AR 72761
Attorney	Erin A Clancy <i>#2196249, Lead, Retained</i> KIGHTLINGER & GRAY LLP One Indiana Square - Suite 300 211 North Pennsylvania Street Indianapolis, IN 46204 317-638-4521(W)
Attorney	Nathan Aaron Pagryzinski <i>#3472249, Retained</i> 8470 Allison Pointe Blvd Suite 420 Indianapolis, IN 46250 317-567-2222(W)
Attorney	Jordan Mark Slusher <i>#3420449, Retained</i> 211 N Pennsylvania St Suite 300 Indianapolis, IN 46204 317-638-4521(W)

Plaintiff	Holder, Toneishia
Address	1145 Brook Lane Indianapolis, IN 46202
Attorney	Christopher Lawrence Czernik <i>#2894749, Retained</i> 117 E. Washington Street Suite 200 Indianapolis, IN 46204 317-222-3941(W)

Chronological Case Summary

08/26/2019 **Case Opened as a New Filing**

08/27/2019 **Appearance Filed**

Appearance

For Party: Holder, Toneishia

File Stamp: 08/26/2019

08/27/2019 **Complaint/Equivalent Pleading Filed**

Complaint for Damages

Filed By: Holder, Toneishia

File Stamp: 08/26/2019

08/27/2019 **Subpoena/Summons Filed**

Summons

Filed By: Holder, Toneishia

File Stamp: 08/26/2019

EXHIBIT E

08/27/2019 Subpoena/Summons Filed

Summons

Filed By: Holder, Toneishia

File Stamp: 08/26/2019

08/29/2019 Certificate of Issuance of Summons

Certificate of Issuance of Summons

Filed By: Holder, Toneishia

File Stamp: 08/29/2019

08/29/2019 Certificate of Issuance of Summons

Certificate of Issuance of Summons

Filed By: Holder, Toneishia

File Stamp: 08/29/2019

09/11/2019 Appearance Filed

Appearance of Erin Clancy and Jordan Slusher

For Party: Russell, James

For Party: DMT Services, Inc.

File Stamp: 09/10/2019

09/11/2019 Motion for Enlargement of Time Filed

Motion for Extension

Filed By: Russell, James

Filed By: DMT Services, Inc.

File Stamp: 09/10/2019

09/11/2019 Order Granting Motion for Enlargement of Time

Judicial Officer: Stewart, Ian - C

Noticed: Holder, Toneishia

Noticed: Russell, James

Noticed: DMT Services, Inc.

Noticed: Czernik, Christopher Lawrence

Noticed: Slusher, Jordan Mark

Noticed: Clancy, Erin A

Order Signed: 09/11/2019

09/12/2019 Automated Paper Notice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 9/11/2019 : Toneishia Holder;James Russell;DMT Services, Inc.

09/12/2019 Automated ENotice Issued to PartiesOrder Granting Motion for Enlargement of Time ---- 9/11/2019 : Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher

09/17/2019 Certified Mail Returned

Green Card

Party Served: DMT Services, Inc.

Party Served: Slusher, Jordan Mark

Party Served: Clancy, Erin A

Date Signed: 09/03/2019

10/02/2019 Certified Mail Returned

Summons: Party Not Served: James Russell; Return to Sender - Unclaimed

EXHIBIT E

10/18/2019 Answer Filed

Defendants' Answer to Plaintiff's Complaint, Affirmative Defenses and Request for Jury Trial

Filed By: Russell, James
Filed By: DMT Services, Inc.
File Stamp: 10/18/2019

10/21/2019 Order Issued

Order to Confer and Tender Proposed Case Management Order Issued. Signed Judge James A. Joven. See Order for details. Parties notified.

Judicial Officer: Joven, James A
Noticed: Czernik, Christopher Lawrence
Noticed: Slusher, Jordan Mark
Noticed: Clancy, Erin A
Order Signed: 10/21/2019

10/22/2019 Automated ENotice Issued to Parties

Order Issued ---- 10/21/2019 : Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher

12/05/2019 Appearance Filed

Appearance

For Party: Russell, James
For Party: DMT Services, Inc.
File Stamp: 12/05/2019

12/09/2019 Case Management Plan

That the parties' Proposed Case Management is approved, and this matter is set for trial by jury on 1.12.21 (6th choice) for three days; and a Final Pretrial Conference is set 12.14.20 at 10:30 am. Signed Judge James A. Joven. Parties notified.

Judicial Officer: Joven, James A
Order Signed: 12/09/2019

12/09/2019 Hearing Scheduling Activity

Jury Trial scheduled for 01/12/2021 at 8:30 AM.

12/09/2019 Hearing Scheduling Activity

Jury Trial scheduled for 01/13/2021 at 8:30 AM.

12/09/2019 Hearing Scheduling Activity

Jury Trial scheduled for 01/14/2021 at 8:30 AM.

12/09/2019 Hearing Scheduling Activity

Fact Finding Hearing scheduled for 12/14/2020 at 10:30 AM.

12/10/2019 Automated ENotice Issued to Parties

Case Management Plan ---- 12/9/2019 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher Hearing Scheduling Activity ---- 12/9/2019 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher Hearing Scheduling Activity ---- 12/9/2019 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher Hearing Scheduling Activity ---- 12/9/2019 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher Hearing Scheduling Activity ---- 12/9/2019 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher

01/17/2020 **Motion to Withdraw Appearance Filed**

Motion to Withdraw Appearance of ANP

Filed By: Russell, James
Filed By: DMT Services, Inc.
File Stamp: 01/17/2020

01/21/2020 **Order Granting Motion to Withdraw Appearance**

That the appearance of Adrienne N. Pope of the law firm of Kightlinger & Gray, LLP, for the Defendants, James Russell and DMT Services, Inc. is hereby withdrawn. Signed Judge James A. Joven. Parties notified.

Judicial Officer: Joven, James A
Movant: Pope, Adrienne N.
Noticed: Czernik, Christopher Lawrence
Noticed: Slusher, Jordan Mark
Noticed: Clancy, Erin A
Noticed: Pope, Adrienne N.
Order Signed: 01/21/2020

01/21/2020 **Witness and/or Exhibit List Filed**

Plaintiff's Preliminary W&E List

Filed By: Holder, Toneishia
File Stamp: 01/21/2020

01/22/2020 **Automated ENotice Issued to Parties**

Order Granting Motion to Withdraw Appearance ---- 1/21/2020 : Adrienne N. Pope;Christopher Lawrence Czernik;Erin A Clancy;Jordan Mark Slusher

03/06/2020 **Appearance Filed**

Appearance of Nathan Pagryzinski

For Party: Russell, James
For Party: DMT Services, Inc.
File Stamp: 03/06/2020

12/14/2020 **Fact Finding Hearing**

Session: 12/14/2020 10:30 AM, Judicial Officer: Joven, James A

01/12/2021 **Jury Trial**

Session: 01/12/2021 8:30 AM, Judicial Officer: Joven, James A
Comment: (1 of 3) 6th choice

01/13/2021 **Jury Trial**

Session: 01/13/2021 8:30 AM, Judicial Officer: Joven, James A
Comment: (2 of 3) 6th choice

01/14/2021 **Jury Trial**

Session: 01/14/2021 8:30 AM, Judicial Officer: Joven, James A
Comment: (3 of 3) 6th choice

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Holder, Toneishia

Plaintiff

EXHIBIT E

Balance Due (as of 03/25/2020)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
08/27/2019	Transaction Assessment	157.00
08/27/2019	Electronic Payment	(157.00)

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EXHIBIT E

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO:
)
TONEISHIA HOLDER)
)
Plaintiff,)
)
vs.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.)
)
Defendants.)

COMPLAINT FOR DAMAGES

COMES now the Plaintiff, TONEISHIA HOLDER (“Plaintiff”) by counsel, and for her Complaint for Damages against the Defendants, JAMES RUSSELL and DMT SERVICES, INC., (“Defendants”) alleges and asserts that:

1. At all times mentioned herein the Plaintiff was and is a resident of the City of Indianapolis, County of Marion, State of Indiana.
2. At all times mentioned herein, Defendant DMT Services, Inc. was and is a corporation doing business in the State of Indiana.
3. At all times relevant to this Complaint, Defendant James Russell, was an employee, agent, contractor or servant of DMT Services, Inc.
4. All of the acts and/or omissions of DMT Services, Inc. herein alleged, were performed and/or omitted by and through the agents, contractors, servants, and/or employees of DMT Services, Inc., including but not limited to Defendant James Russell, while they were acting within the scope and course of their contract and/or employment.
5. At all times mentioned herein, there was and is now near the City of Indianapolis, County of Marion, State of Indiana, a public thoroughfare known as Lynhurst Drive.

6. On June 11, 2018, the Plaintiff was traveling north on Lynhurst Drive and entered the intersection of Crawfordsville Road on a green light when the Defendant James Russell failed to stop for a red light and struck Plaintiff's vehicle.

7. The aforementioned collision was directly and proximately caused by the carelessness and negligence of Defendant James Russell.

8. As a direct and proximate result of the carelessness and negligence of Defendants, the Plaintiff was damaged.

9. As a direct and proximate result of the carelessness and negligence of Defendants, the Plaintiff sustained property damage to her vehicle and loss of use of her vehicle.

WHEREFORE, the Plaintiff, TONEISHIA HOLDER prays that the Court grant judgment against the Defendants, JAMES RUSSELL and DMT SERVICES, INC., in an amount commensurate with her injuries and damages, for the costs of this action, and for all other relief just and proper in the premises.

Respectfully submitted,



Christopher L. Czernik, # 28947-49
Attorney for Plaintiff

REQUEST FOR TRIAL BY JURY

Comes now the Plaintiff, TONEISHIA HOLDER by counsel and files herein her request for trial by jury for the above action.

Respectfully submitted,



Christopher L. Czernik, # 28947-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
cczernik@hensleylegal.com

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

TONEISHIA HOLDER,)
) CAUSE NO:
Plaintiff,)
)
vs.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)
Defendant.)

TO DEFENDANT: James Russell
PO Box 816
Locust Grove, OK 74352

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 8/27/2019 Myka A. Eldridge (Seal)
CLERK, Marion County Superior Court

(The following manner of service of summons is hereby designated)

X Registered or certified mail.
_____ Service at place of employment, to wit:
_____ Service on individual - (Personal or copy) at above address.
_____ Service on agent. (Specify)
_____ Other Service. (Specify)

Christopher L. Czernik, #28947-49
Attorney for Plaintiff
117 E Washington St, Suite 200
Indianapolis, IN. 46204
(317)472-3333



CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of the Complaint to the Defendant, James Russell, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Christopher L. Czernik

Dated: _____

By: Christopher L. Czernik

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20____.

CLERK, Marion County Superior Court

By: _____
Deputy

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

TONEISHIA HOLDER,)
) CAUSE NO:
Plaintiff,)
)
vs.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)
Defendants.)

TO DEFENDANT: DMT Services, Inc.
995 South Lincoln St
Siloam Springs, AR 72761

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 8/27/2019 Myle A. Eldridge (Seal)
CLERK, Marion County Superior Court

(The following manner of service of summons is hereby designated)

X Registered or certified mail.
_____ Service at place of employment, to wit:
_____ Service on individual - (Personal or copy) at above address.
_____ Service on agent. (Specify)
_____ Other Service. (Specify)

Christopher L. Czernik, #28947-49
Attorney for Plaintiff
117 E Washington St, Suite 200
Indianapolis, IN. 46204
(317)472-3333



EXHIBIT E

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of the Complaint to the Defendant, DMT Services, Inc., by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Christopher L. Czernik

Dated: _____

By: Christopher L. Czernik

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20____.

CLERK, Marion County Superior Court

By: _____
Deputy

STATE OF INDIANA)
) SS:
COUNTY OF MARION)
)
TONEISHIA HOLDER,)
)
)
 Plaintiff,)
 v.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)
 Defendants.)

IN THE MARION COUNTY SUPERIOR COURT

CAUSE NO: 49D13-1908-CT-035216

CERTIFICATE OF ISSUANCE OF SUMMONS

I certify that on Thursday, August 29, 2019, I mailed a copy of the summons and a copy of the complaint to the defendant, James Russell, PO Box 816, Locust Grove, OK 74352 by certified mail #7017 3040 0000 3543 7527, requesting a return receipt to the Marion County Clerk's office.



Christopher L. Czernik, Attorney # 28947-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333
cczernik@hensleylegal.com

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO: 49D13-1908-CT-035216
TONEISHIA HOLDER,)
)
Plaintiff,)
v.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)
Defendants.)

CERTIFICATE OF ISSUANCE OF SUMMONS

I certify that on Thursday, August 29, 2019, I mailed a copy of the summons and a copy of the complaint to the defendants, DMT Services, Inc., 995 South Lincoln St, Siloam Springs, AR 72761 by certified mail #7017 3040 0000 3543 7534, requesting a return receipt to the Marion County Clerk's office.



Christopher L. Czernik, Attorney # 28947-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333
cczernik@hensleylegal.com

STATE OF INDIANA)
)SS:
COUNTY OF MARION) CAUSE NO. 49D13-1908-CT-035216

TONEISHIA HOLDER,)
)
Plaintiff,)
)
v.)
)
JAMES RUSSELL and)
DMT SERVICES, INC.,)
)
Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating _____ Responding X Intervening _____

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

JAMES RUSSELL AND DMT SERVICES, INC.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) as follows:

Name:	Erin A. Clancy	Atty. Number:	21962-49
	Jordan M. Slusher	Atty. Number:	34204-49
Address:	KIGHTLINGER & GRAY, LLP	Phone:	(317) 638-4521
	One Indiana Square, Suite 300	Fax:	(317) 636-5917
	211 N. Pennsylvania Street	Email:	eclancy@k-glaw.com
	Indianapolis, IN 46204	Email:	jslusher@k-glaw.com

[List on continuation page the additional attorneys appearing for above party member(s)]

3. There are other party members: Yes _____ No X (If yes, list on continuation page.)
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): _____
5. I will accept service by FAX at the above noted number: Yes ____ No X
6. This case involves support issues. Yes _____ No X (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes ____ No X (If yes, list on continuation page).
8. This form has been served on all other parties.
Certificate of Service is attached: Yes X No ____
9. Additional information required by local rule: _____

Respectfully submitted,

KIGHTLINGER & GRAY, LLP

By: /s/ Erin A. Clancy

Erin A. Clancy, #21962-49

Jordan M. Slusher, #34204-49

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2019, the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system.

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com

/s/ Erin A. Clancy

Erin A. Clancy

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
Eclancy@k-glaw.com
jslusher@k-glaw.com
(317)-638-4521 – telephone
(317) 636-5917 – facsimile

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
)SS:	
COUNTY OF MARION)	CAUSE NO. 49D13-1908-CT-035216
TONEISHIA HOLDER,)	
)	
Plaintiff,)	
)	
v.)	
)	
JAMES RUSSELL and)	
DMT SERVICES, INC.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S COMPLAINT FOR DAMAGES**

Defendants, James Russell and DMT Services, Inc., by counsel, respectfully move the Court for an extension of time of 30 days up to and including October 18, 2019, in which to file a responsive pleading to Plaintiff's Complaint for Damages. In support of said Motion, Defendants show the Court:

1. That Plaintiff's Complaint for Damages was filed on August 26, 2019, thereby making Defendants' response due no earlier than September 18, 2019.
2. Defendants respectfully requests an initial enlargement of time of thirty (30) days or to and including October 18, 2019, within which to answer or otherwise respond to Plaintiff's Complaint for Damages.
3. This request for an enlargement of time is not made for the purposes of delay, but rather to allow time for Defendants' counsel to prepare a proper response to Plaintiff's Complaint for Damages.
4. Counsel for Defendants contacted counsel for Plaintiff who has no objection to the filing of this motion.

WHEREFORE, Defendants, James Russell and DMT Services, Inc., prays that the time for filing a responsive pleading to the Plaintiff's Complaint for Damages be extended for a period of thirty (30) days, up to and including October 18, 2019.

Respectfully submitted,

KIGHTLINGER & GRAY, LLP

By: /s/ Erin A. Clancy
Erin A. Clancy, #21962-49
Jordan M. Slusher, #34204-49
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2019, the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system.

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com

/s/ Erin A. Clancy
Erin A. Clancy

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
Eclancy@k-glaw.com
jslusher@k-glaw.com
(317)-638-4521 – telephone
(317) 636-5917 – facsimile

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
)SS:	
COUNTY OF MARION)	CAUSE NO. 49D13-1908-CT-035216
TONEISHIA HOLDER,)	
)	
Plaintiff,)	
)	
v.)	
)	
JAMES RUSSELL and)	
DMT SERVICES, INC.,)	
)	
Defendants.)	
)	

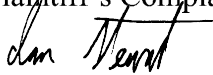
ORDER ON EXTENSION OF TIME

This cause came before the Court upon Defendants, James Russell and DMT Services, Inc.'s Motion for Extension of Time to respond to Plaintiff's Complaint for Damages.

The Court, having considered said Motion and, being duly advised in the premises, now GRANTS the same, and

THEREFORE, IT IS ORDERED that the Defendants, James Russell and DMT Services, Inc., may have an additional extension of time of thirty (30) days, up to and including October 18, 2019, within which to answer or otherwise plead to Plaintiff's Complaint for Damages.

DATED: September 11, 2019



Judge, Marion County Superior Court 13

Distribution to:

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com

Erin A. Clancy
Jordan M. Slusher
KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
Eclancy@k-glaw.com
jslusher@k-glaw.com

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DMT SERVICES, INC.
 995 SOUTH LINCOLN STREET
 SILDOAM SPRINGS, AR 72761



9590 9402 3061 7124 0288 04

2. Article Number (Transfer from service label)

7017 3040 0000 3543 7534

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Brandi Moten

☐ Agent☐ Addressee

B. Received by (Printed Name)

Brandi Moten

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®

- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

- ☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation☐ Restricted Delivery

EXHIBIT E

United States
Postal Service

9590 9402 3061 7124 0288 04



USPS TRACKING #
EXHIBIT E



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •
MARION COUNTY CLERK'S OFFICE
200 E WASHINGTON ST W122
INDIANAPOLIS, IN 46204
Case No: 49D13-1908-CJ-035216

49D13-1908-CT-035216

Marion Superior Court, Civil Division 13

Filed: 8/26/2019 4:52 PM
Clerk
Marion County, IndianaSTATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT

TONEISHIA HOLDER,

Plaintiff,)
) CAUSE NO:
)

vs.

JAMES RUSSELL and DMT
SERVICES, INC.,

Defendant.

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

MANUAL PROC REQ *0557-00187-17-28

TO DEFENDANT: James Russell
PO Box 816
Locust Grove, OK 74352

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 8/27/2019 Nyle A. Eldridge (Seal)
CLERK, Marion County Superior Court

(The following manner of service of summons is hereby designated)

- ☒ Registered or certified mail.
- ☐ Service at place of employment, to wit:
- ☐ Service on individual - (Personal or copy) at above address.
- ☐ Service on agent. (Specify)
- ☐ Other Service. (Specify)

Christopher L. Czernik, #28947-49
Attorney for Plaintiff
117 E Washington St, Suite 200
Indianapolis, IN. 46204
(317)472-3333



EXHIBIT E

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of August, 2019, I mailed a copy of the Complaint to the Defendant, James Russell, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.



Christopher L. Czernik

Dated: August 29, 2019

By: Christopher L. Czernik

RETURN ON SERVICE OF SUMMONS BY MAIL

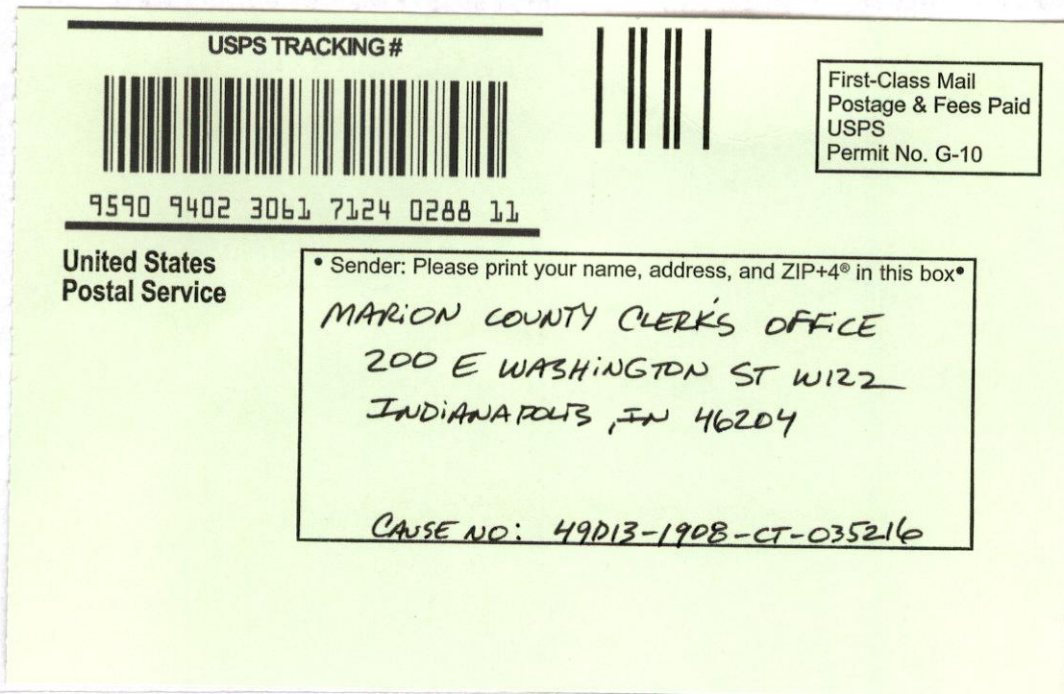
I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20____.

CLERK, Marion County Superior Court

By: _____
Deputy



- SENDER: COMPLETE THIS SECTION**
- Complete items 1, 2, and 3.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES RUSSELL
PO Box 816
LOCUST GROVE, OK 74352



9590 9402 3061 7124 0288 11

2. Article Number (Transfer from product label)

7017 3040 0000 3543 7527

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Delivery Restricted Delivery

il
il Restricted Delivery

(over \$500)

EXHIBIT E

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

MARION COUNTY CLERKS OFFICE
200 E WASHINGTON ST W122
INDIANAPOLIS, IN 46204

CASE NO: 49D13-1908-CT-035216

9590 9402 3061 7124 0288 11



USPS TRACKING #

EXHIBIT E



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

STATE OF INDIANA)
)SS:
COUNTY OF MARION)
 CAUSE NO. 49D13-1908-CT-035216

TONEISHIA HOLDER,)
)
 Plaintiff,)
)
 v.)
)
JAMES RUSSELL and)
DMT SERVICES, INC.,)
)
 Defendants.)

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL**

Defendants, James Russell and DMT Services, Inc. (collectively hereinafter, "DMT Defendants"), by counsel, and for their Answer and Affirmative Defenses to Plaintiff's Complaint for Damages state as follows:

1. DMT Defendants are without sufficient information to admit or deny the allegations contained in rhetorical paragraph 1 of Plaintiff's Complaint for Damages.
2. DMT Defendants admit at the time of the accident that is the subject of this Complaint, DMT Services, Inc. was a corporation doing business in the State of Indiana. DMT Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in rhetorical paragraph 2 of Plaintiff's Complaint for Damages.
3. DMT Defendants admit at the time of the accident that is the subject of this complaint, James Russell was operating a commercial motor vehicle under dispatch and pursuant to the DOT authority of DMT Services, Inc. DMT Defendants are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained in rhetorical paragraph 3 of Plaintiff's Complaint for Damages.

4. DMT Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in rhetorical paragraph 4 of Plaintiff's Complaint for Damages.

5. DMT Defendants admit the allegations contained in rhetorical paragraph 5 of Plaintiff's Complaint for Damages.

6. DMT Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in rhetorical paragraph 6 of Plaintiff's Complaint for Damages.

7. DMT Defendants deny the allegations contained in rhetorical paragraph 7 of Plaintiff's Complaint for Damages.

8. DMT Defendants deny the allegations contained in rhetorical paragraph 8 of Plaintiff's Complaint for Damages.

9. DMT Defendants deny the allegations contained in rhetorical paragraph 9 of Plaintiff's Complaint for Damages.

WHEREFORE, Defendants, James Russell and DMT Services, Inc., by counsel, respectfully pray that Plaintiff take nothing by way of her Complaint and for all other relief just and proper.

Respectfully submitted,
KIGHTLINGER & GRAY, LLP

By: /s/ Erin A. Clancy
Erin A. Clancy, #21962-49
Jordan M. Slusher, #34204-49
Attorneys for Defendants

AFFIRMATIVE DEFENSES

Defendants, James Russell and DMT Services, Inc., by counsel, and for their Affirmative Defenses to Plaintiff's Complaint for Damages, state as follows:

1. The amount awarded to Plaintiff, if any, should be diminished in proportion to Plaintiff's comparative fault, including but not limited to Plaintiff's negligence, incurred risk, and assumed risk under the circumstances.

2. The contributory fault of the Plaintiff, including negligence, incurred risk and assumed risk may have been greater than fifty percent (50%) of the total fault involved in the incident.

3. Plaintiff may have failed to mitigate her damages if, in fact, any such damages exist.

4. DMT Defendants are entitled to set off against any judgment entered in favor of Plaintiff, if any, in the amount of collateral sources payments received by Plaintiff following the incident which is the subject of Plaintiff's Complaint for Damages pursuant to the legal and equitable principles of payment, satisfaction, accord in satisfaction, right down, setoff and other related rules barring windfalls and double recovery. Further, DMT Defendants reserve the right to introduce the evidence and/or proof of collateral source payments received by or on behalf of Plaintiff, pursuant to Ind. Code § 34-44-1-1 et seq., in the event it is subsequently determined that such payments were made and are an appropriate matter for consideration by the jury.

5. Some or all of Plaintiff's medical specials have been reduced by write-offs, set-offs and/or adjustments. In accordance with Stanley v. Walker, 906 N.E.2d 852 (Ind. 2009) and Patchett v. Lee, 60 N.E.3d 1025 (Ind. 2016), DMT Defendants are entitled to present as evidence any such write-offs, set-offs, and/or adjustments for consideration by the jury.

6. Any allegations or rhetorical paragraphs contained in Plaintiff's Complaint for Damages which are not specifically admitted, denied, or responded to, are hereby denied by DMT Defendants.

7. DMT Defendants reserve the right to further amend their Answer to add such additional affirmative defenses, non-party defenses, cross-claims, counterclaims, and/or third-party complaints, with proper leave of the Court, as may be discovered during the course of the captioned matter.

WHEREFORE, James Russell and DMT Services, Inc., by counsel, pray Plaintiff take nothing by way of her Complaint and for all other just and proper relief in the premises.

KIGHTLINGER & GRAY, LLP

By: /s/Erin A. Clancy
Erin A. Clancy, I.D. No. 21962-49

REQUEST FOR JURY TRIAL

Defendants, James Russell and DMT Services, Inc., by counsel, respectfully request this matter be set for trial by jury.

KIGHTLINGER & GRAY, LLP

By: /s/Erin A. Clancy
Erin A. Clancy, I.D. No. 21962-49

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2019, the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system.

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com

/s/ Erin A. Clancy
Erin A. Clancy

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
Eclancy@k-glaw.com
jslusher@k-glaw.com
(317)-638-4521 – telephone
(317) 636-5917 – facsimile

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

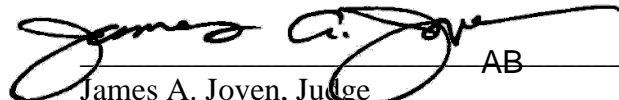
CAUSE NO. 49D13-1908-CT-035216

TONEISHIA HOLDER,)
)
 Plaintiff,)
)
 v.)
)
JAMES RUSSELL and)
DMT SERVICES, INC.,)
)
 Defendants.)

ORDER TO CONFER AND TENDER PROPOSED CASE MANAGEMENT ORDER

The Court ORDERS the parties to confer regarding pretrial deadlines, then jointly tender, within 45 days of this Order, a proposed case management order for Court approval. The parties should state (1) the date this matter will be ready for trial; (2) whether the trial will be to the Court or to a jury; and (3) the expected duration of trial.

ENTERED: **October 21, 2019**


James A. Joven, Judge AB
Marion Superior Court, Civil Division 13

DISTRIBUTION:

Via electronic court distribution to all counsel of record and/or parties

APPEARANCE BY ATTORNEY IN CIVIL CASE

7. There are related cases: Yes _____ No X (If yes, list on continuation page).
8. This form has been served on all other parties.
Certificate of Service is attached: Yes X No _____
9. Additional information required by local rule: _____

KIGHTLINGER & GRAY, LLP

By: s/ Adrienne N. Pope
Adrienne N. Pope
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2019, the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system.

KIGHTLINGER & GRAY, LLP

By: s/ Adrienne N. Pope
Adrienne N. Pope
Attorney for Defendants

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
apope@k-glaw.com
(317)-638-4521 – telephone
(317) 636-5917 – facsimile

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO: 49D13-1908-CT-035216
)	
TONEISHIA HOLDER,)
)	
Plaintiff,)
v.)
)	
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)	
Defendants.)

JAJ
PROPOSED CASE MANAGEMENT ORDER

Come now, the Parties, by counsel and file herein their Proposed Case Management Order pursuant to the Court's order and Marion County Local Rule 207 (16.1).

1. The parties, by counsel, believe that settlement is possible in this case at this time.
2. The specific schedule of discovery in this case is guided by the following deadlines:
 - a. Preliminary witness and exhibit lists to be exchanged within forty-five (45) days of the Court's approval of the parties Case Management Order.
 - b. Final Witness and Exhibit lists to be exchanged on or before November 6, 2020, or sixty (60) days prior to trial, whichever is later.
 - c. The Parties shall file their expert disclosures with the Court and exchange with opposing counsel. The disclosure shall include all information contemplated by TR 26(B)(4), such as name, contact information, subject matter upon which the expert shall testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The deadline to identify an expert shall be as follows:
 - (1) The Plaintiff shall name all experts expected to testify for purposes

of trial on or before September 7, 2020, or 120 days prior to trial, whichever is later.

(2) The Defendants shall name all experts expected to testify for purposes of trial on or before October 7, 2020 or ninety (90) days prior to trial, whichever is later.

(3) The Plaintiff shall name all rebuttal experts expected to testify for purposes of trial sixty (60) days before trial.

(4) Independent medical exams shall be completed one hundred twenty (120) days prior to trial and the reports exchanged ninety (90) days prior to trial.

d. Discovery in this case shall close December 6, 2020, or thirty (30) days prior to trial in this matter, whichever is later.

3. If agreed by the parties or ordered by the court the deadline to mediate will be completed sixty (60) days prior to trial. The parties reserve their right to move to vacate any order should the mediation be an exercise in futility.

4. Dispositive motions shall be filed with the court no later than September 7, 2020 or one hundred twenty (120) days prior to trial, whichever is later.

5. All trial depositions are due on or before seven (7) days prior to trial unless otherwise agreed by the parties.

6. All pretrial motions, including motions in limine are due on or before fourteen (14) days prior to the final pre-trial conference, and should be exchanged between the parties, no later than fourteen (14) days prior to the final pre-trial conference. Any written responses thereto are due seven (7) days before the final pre-trial.

7. The parties shall exchange and file all proposed jury instructions, and verdict forms no later than fourteen (14) days prior to trial unless otherwise ordered by the Court.

8. The parties agree to schedule a mutually convenient location, date and time within fourteen (14) days prior to trial to review the respective parties' exhibits, including demonstrative exhibits, expected to be introduced at trial. Failure to provide exhibits to opposing counsel may result in exclusion of such exhibit, unless said exhibit is used for purposes of rebuttal and/or impeachment.

9. All deadlines may be amended by agreement of counsel or Court order.

10. In the event any trial date is vacated or continued the aforementioned deadlines will roll in accordance with the new trial setting.

11. The parties estimate that the trial will last three (3) days.

12. The parties will be ready for trial by January 5, 2021.

Respectfully submitted,

/s/Christopher L. Czernik

Christopher L. Czernik, Attorney # 28947-49
Attorney for Plaintiff

Respectfully submitted,

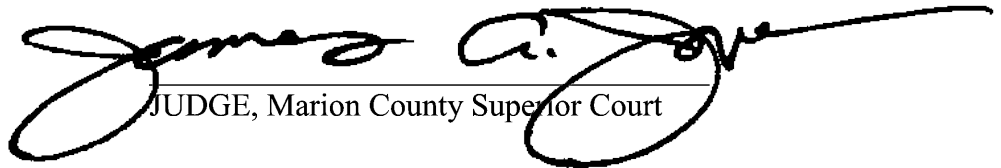
/s/Erin A. Clancy

Erin A. Clancy, Attorney # 21962-49
Attorney for Defendants

Wherefore, the parties, by counsel, having filed their Proposed Case Management Order, and the Court, having examined said Motion and having been duly advised in the premises, now find that said Motion should be approved.

IT IS THEREFORE ORDERED that the parties' Proposed Case Management is approved, and this matter is set for trial by jury on **January 12, 2021 (6th choice)** for three days; and a Final Pretrial Conference is set for **December 14, 2020, at 10:30 AM.**

SO ORDERED, dated: **December 9, 2019**



JUDGE, Marion County Superior Court

Distribution to:

Erin A. Clancy
Kightlinger & Gray, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204

Jordan M. Slusher
Kightlinger & Gray, LLP
One Indiana Square, Suite 300
211 N Pennsylvania Street
Indianapolis, IN 46204

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
)SS:	
COUNTY OF MARION)	CAUSE NO. 49D13-1908-CT-035216
TONEISHIA HOLDER,)	
)	
Plaintiff,)	
)	
v.)	
)	
JAMES RUSSELL and)	
DMT SERVICES, INC.,)	
)	
Defendants.)	

MOTION TO WITHDRAW APPEARANCE

Comes now Adrienne N. Pope of the law firm of Kightlinger & Gray, LLP, and moves the Court for an order withdrawing her appearance on behalf of the Defendants, James Russell and DMT Services, Inc. Erin A. Clancy and Jordan M. Slusher will remain as counsel for Defendants, James Russell and DMT Services, Inc.

KIGHTLINGER & GRAY, LLP

By: s/ Adrienne N. Pope
Adrienne N. Pope, I.D. No. 31911-49
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2020, the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system.

By: s/ Adrienne N. Pope
Adrienne N. Pope
Attorney for Defendants

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
apope@k-glaw.com
(317)-638-4521 – telephone
(317) 636-5917 – facsimile

STATE OF INDIANA)
)SS:
COUNTY OF MARION) CAUSE NO. 49D13-1908-CT-035216

TONEISHIA HOLDER,)
)
Plaintiff,)
)
v.)
)
JAMES RUSSELL and)
DMT SERVICES, INC.,)
)
Defendants.)

ORDER GRANTING MOTION TO WITHDRAW APPEARANCE

This cause came before the court upon the motion of Adrienne N. Pope of the law firm of Kightlinger & Gray, LLP, to withdraw her appearance on behalf of Defendants, James Russell and DMT Services, Inc., in the captioned matter, and the Court having considered said motion and being duly advised in the premises, now GRANTS the same, and

IT IS ORDERED by the Court that the appearance of Adrienne N. Pope of the law firm of Kightlinger & Gray, LLP, for the Defendants, James Russell and DMT Services, Inc. is hereby withdrawn.

SO ORDERED THIS **January 21, 2020** DAY OF _____, 2020.

Distribution:

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com

Erin A. Clancy
Jordan M. Slusher
Adrienne N. Pope
KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 N. Pennsylvania Street
Indianapolis, IN 46204
Eclancy@k-glaw.com
jlsruher@k-glaw.com
apope@k-glaw.com

STATE OF INDIANA)	IN THE MARION COUNTY SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO: 49D13-1908-CT-035216
TONEISHIA HOLDER,)
)
Plaintiff,)
)
vs.)
)
JAMES RUSSELL and DMT)
SERVICES, INC.,)
)
Defendants.)

PLAINTIFF'S PRELIMINARY WITNESS AND EXHIBIT LIST

Comes now, the Plaintiff, by counsel, and exchanges herein her Preliminary Witness and Exhibit List:

WITNESS LIST

1. Toneishia Holder;
2. James Russell;
3. Representative of DMT Services, Inc:
4. Donald Trover;
5. Regina Briggs;
6. Investigating Officer M. Clupper, ID No. C0200 of the Speedway Police Department;
7. Assisting Officer R. Ferguson, ID No. F6261 of the Speedway Police Department;
8. All of Plaintiff, Toneishia Holder's medical providers, including but not limited to:
 - (a) Antonio W. Bucca, MD
Christine R. Stehman, MD
Mahmoud A. Rahal, MD
Eskenazi Health

720 Eskenazi Ave
Indianapolis, IN 46202

- (b) Neeta B. Agarwal, MD
Eskenazi Health Center Pecar
6940 Michigan Rd, Ste 140
Indianapolis, IN 46268
- (c) Northwest Radiology Network
5901 Technology Center Drive
Indianapolis, IN 46278
- (d) Monica M. Blaesser, DPT
Ursula Booth, PT
Team Rehabilitation Physical Therapy
8628 Purdue Road
Indianapolis, IN 46268
- (e) Jude Momodu, MD
Horizon Family Medical Center
3737 N Meridian St, Ste 501
Indianapolis, IN 46208
- (f) Rekha Selvanaayagam, MD
8414 Naab Road, Suite 120
Indianapolis, IN 46260
- (g) Darice L. Barr, PA
Mary J. Reilly, MD
St. Vincent Hospital
2001 West 86th Street
Indianapolis, IN 46260

- 9. Representative of Plaintiff, Toneishia Holder's Employer for wage loss verification;
- 10. Any and all experts, as yet unnamed;
- 11. Witnesses listed on any witness list filed by any other party to this matter;
- 12. Witnesses for purposes of rebuttal and impeachment;
- 13. Any representative of Plaintiff's health care facilities for authentication purposes, as yet unidentified;

14. Witnesses discovered subsequent to the filing of this list whose identity will be promptly disclosed to counsel for Defendant; and

15. Plaintiff reserves the right to supplement this list of witnesses and expert witnesses as discovery is continuing.

EXHIBIT LIST

1. Any and all photographs, diagrams and/or drawings of the area where the incident at issue in the cause of action occurred;

2. Any and all photographs of the Plaintiff;

3. Any and all of Plaintiff's medical records, x-rays, and reports;

4. Any and all invoices of Plaintiff's medical expenses;

5. Any and all documentation related to Plaintiff's lost wages;

6. Any and all depositions and sworn statements taken in this matter;

7. Any and all documents generated, produced, or received during the course of discovery in this matter;

8. Any and all statements of the Plaintiff;

9. Any and all witness statements;

10. Medical diagrams, models and/or medical devices illustrating the injuries sustained and the treatment received by the Plaintiff which medical diagrams, models and/or medical devices will be used for demonstrative purposes;

11. Any and all investigative reports generated in this matter;

12. Life expectancy table;

13. Exhibits listed on any exhibit list filed by any other party to this matter;

14. Exhibits for purposes of rebuttal and impeachment;

15. Exhibits discovered subsequent to the filing of this list which will be promptly disclosed to counsel for Defendant;
16. Any and all experts' reports, as yet unnamed;
17. Any and all documents generated through non-party discovery; and
18. Plaintiff reserves the right to supplement this list of exhibits as discovery is continuing.

Respectfully submitted,



Christopher L. Czernik, # 28947-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
cczernik@hensleylegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been delivered to the following, via operation of the Court's electronic filing system and/or via U.S First Class Mail on January 21, 2020.

Adrienne N. Pope
Erin A. Clancy
Jordan M. Slusher
Kightlinger & Gray, LLP
One Indiana Square, Suite 300
211 N Pennsylvania Street
Indianapolis, IN 46204



Christopher L. Czernik, #28947-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
cczernik@hensleylegal.com

APPEARANCE BY ATTORNEY IN CIVIL CASE

6. This case involves support issues. Yes ☐ No ☒ (If yes, supply social security numbers for all family members on continuation page.)
7. There are related cases: Yes ☐ No ☒ (If yes, list on continuation page.)
8. This form has been served on all other parties.
Certificate of Service is attached. Yes ☒ No ☐
9. Additional information required by local rule: _____

KIGHTLINGER & GRAY, LLP

By: /s/ Nathan A. Pagryzinski
Nathan A. Pagryzinski (Atty. No. 34722-49)
Attorneys for Defendants, James Russell and
DMT Services, Inc.

CERTIFICATE OF SERVICE

This is to certify that the undersigned filed and served the foregoing electronically through the Court's CM/ECF system on the following on this 6th day of March 2020:

Christopher L. Czernik
HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
cczernik@hensleylegal.com
Attorneys for Plaintiff

/s/ Nathan A. Pagryzinski
Nathan A. Pagryzinski

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 North Pennsylvania Street
Indianapolis, Indiana 46204
Telephone: (317) 638-4521
npagryzinski@k-glax.com